



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2008–2009–2010

MINUTES OF PROCEEDINGS

No. 88

WEDNESDAY, 8 DECEMBER 2010

- 1 The Assembly met at 10 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Rattenbury) ordered the bells to be rung. A quorum having been formed, the Speaker took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) ACT 1988— PROPOSED REVIEW

The order of the day having been read for the resumption of the debate on the motion of Ms Porter—That this Assembly supports:

- (1) the notion that the people and the parliament of the ACT should have the same rights as Australians living in the States to legislate on their own behalf upon matters within their legislative jurisdiction; and
- (2) a comprehensive review of the *Australian Capital Territory (Self-Government) Act 1988*, with a view to:
 - (a) allowing the ACT Legislative Assembly to determine its own size;
 - (b) removing provisions that allow the Commonwealth to overturn any ACT law through the exercise of Executive fiat; and
 - (c) making other such amendments necessary to deliver genuine self-government to the people of the ACT, consistent with the democratic rights enjoyed by Australians living in the States—

and on the amendment moved by Mrs Dunne: Omit all words after “That this Assembly”, substitute:

- “(1) supports the rights of people of the ACT to legislate on their own behalf upon matters within their legislative jurisdiction under the Constitution of Australia;

- (2) supports the formation of a broad public consultation forum to discuss and debate changes requested to the *Australian Capital Territory (Self-Government) Act 1988* as raised by the Assembly, the community and other stakeholders and develop a formalised agreed position to present to the Federal Parliament; and
- (3) calls on the Government to investigate the timing and provision of a public forum on these reforms and report to the Assembly with options.”—

Mr Stanhope (Chief Minister) moved the following amendment to Mrs Dunne’s proposed amendment: Omit all words after “That this Assembly”, substitute:

- “(1) supports the notion that the people and the Parliament of the ACT should have the same rights as Australians living in the States to legislate on their own behalf upon matters within their legislative jurisdiction;
- (2) supports a comprehensive review of the *Australian Capital Territory (Self-Government) Act 1988*, with a view to:
- (a) allowing the ACT Legislative Assembly to determine its own size;
 - (b) removing provisions that allow the Commonwealth to overturn any ACT law through the exercise of Executive fiat;
 - (c) making other such amendments necessary to deliver genuine self-government to the people of the ACT, consistent with the democratic rights enjoyed by Australians living in the States; and
 - (d) the formation of a broad public consultation forum to discuss and debate changes requested to the *Australian Capital Territory (Self-Government) Act 1988* as raised by the Assembly, the community and other stakeholders and develop a formalised agreed position to present to the Federal Parliament; and
- (3) calls on the Government to investigate the timing and provision of a public forum on these reforms and report to the Assembly with options.”.

Debate continued.

Debate adjourned (Ms Bresnan) and the resumption of the debate made an order of the day for a later hour this day.

3 BIMBERI YOUTH DETENTION CENTRE—PROPOSED INQUIRY

Mrs Dunne, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the incidents of violence and security breaches at Bimberi Youth Detention Centre;
 - (b) the staff shortages and high turnover of staff; and
 - (c) high levels of staff dissatisfaction;
- (2) expresses its concern for the safety and security of residents and staff at Bimberi Youth Detention Centre; and
- (3) calls on the Executive to:
 - (a) appoint a board of inquiry, in accordance with the *Inquiries Act 1991*, to inquire and report, by 30 June 2011, into the operation of the Bimberi Youth Detention Centre including:

- (i) staff levels, training and retention;
 - (ii) security;
 - (iii) programs for training and rehabilitation; and
 - (iv) any other matters; and
- (b) relieve the Minister for Children and Young People of responsibility for youth justice services for the duration of the inquiry.

Mrs Dunne, by leave, was granted an extension of time.

Debate ensued.

Debate adjourned (Mr Rattenbury) and the resumption of the debate made an order of the day for a later hour this day.

4 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 2, Private Members' business, relating to the Gaming Machine (Problem Gambling Assistance) Amendment Bill 2010, be postponed until a later hour this day.

5 THE CANBERRA HOSPITAL—OBSTETRICS AND GYNAECOLOGY UNIT—FINDINGS OF INQUIRY INTO BULLYING AND HARASSMENT COMPLAINTS

Mr Hanson, pursuant to notice, moved—That this Assembly:

- (1) notes that:
 - (a) in February 2010 current and former staff of the Women and Children's Obstetrics and Gynaecology Unit at The Canberra Hospital (TCH) made serious complaints regarding the workplace culture of the unit;
 - (b) nine doctors resigned from the unit prior to February 2010 and another doctor has since resigned;
 - (c) the Minister and ACT Health officials initially denied that any complaints had been made;
 - (d) the Minister for Health then dismissed the complaints as "doctor politics" and 'mud slinging';
 - (e) the Minister claimed that there had been a "ten year war in obstetrics";
 - (f) the Minister made threats to review 10 years of Medical Board outcomes in an attempt to intimidate doctors who had made complaints;
 - (g) the Canberra Liberals called for an open public inquiry into these complaints;
 - (h) the *Review of Service Delivery and Clinical Outcomes at Public Maternity Units in the ACT* stated "The review panel identified an apparent systematic and long-standing reticence by management to address disruptive or inappropriate behaviour by certain medical staff";
 - (i) the Minister deliberately chose to establish the inquiry into bullying and harassment claims in such a way that they could be covered up;

- (j) the Minister for Health is avoiding any responsibility for the findings of the report by shifting the burden of decision making to public servants; and
 - (k) the Minister for Health has failed to provide outcomes for the staff members involved and further eroded confidence in TCH; and
- (2) calls on the Minister for Health to:
- (a) table in the Assembly the findings of the inquiry into bullying and harassment complaints in the Women and Children's Obstetrics and Gynaecology Unit at TCH; and
 - (b) provide copies of the findings of the inquiry to the people who made submissions.

Debate ensued.

Ms Bresnan moved the following amendment: Omit all words after "That this Assembly", substitute:

"(1) notes that:

- (a) in early February 2010, the Minister for Health denied that she had received any serious complaints from current and former staff of the Women and Children's Obstetrics and Gynaecology Unit at The Canberra Hospital (TCH) about the workplace culture of the unit;
- (b) the Minister for Health then described the complaints as 'doctor politics' and 'mud-slinging';
- (c) the Minister claimed that there had been a 'ten year war in obstetrics';
- (d) in late February 2010, current and former staff of the Unit provided further information to the Minister about their complaints;
- (e) the Canberra Liberals called for a board of inquiry pursuant to the *Inquiries Act 1991*, that would have required victims of bullying to be forcefully subpoenaed to testify against their will, which is a grossly inappropriate manner of dealing with bullying and workplace conflict;
- (f) the *Review of Service Delivery and Clinical Outcomes at Public Maternity Units in the ACT* stated: 'The review panel identified an apparent systematic and long-standing reticence by management to address disruptive and inappropriate behaviour by certain medical staff';
- (g) respecting the confidentiality and wishes of bullying victims to have proceedings conducted in private is the most important factor to be considered when responding to allegations of bullying in the workplace; and
- (h) the *Public Interest Disclosure Act 1994*, as instigated by Mrs Kate Carnell MLA, then Leader of the Liberals, provides the appropriate process for public servants in the ACT Government to have their concerns about workplace conflict and allegations of bullying investigated;

(2) calls on Members of the Assembly to:

- (a) respect the *Public Interest Disclosure Act 1994* and those victims of workplace bullying that do not wish to have their workplace matters made public; and

- (b) recognise that, if the investigation into a public interest disclosure is concluded, under clause 24(3)(d) of the *Public Interest Disclosure Act 1994*, the people who made the public interest disclosure can ask for a progress report which shall include the authority's findings and any action it has taken or proposes to take as a result of its findings; and
- (3) calls on the Government to provide to the Assembly details of any changes to bullying policies or procedures, as well as any changes in the manner in which bullying policies or procedures have been implemented, in ACT Health since February 2010.”.

Debate continued.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

6 QUESTIONS

Questions without notice were asked.

7 ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2010—EXPOSURE DRAFT—PAPERS AND STATEMENT BY MEMBER

Ms Le Couteur, by leave, presented the following papers:

Animal Welfare Legislation Amendment Bill 2010—

Exposure draft.

Explanatory statement—

and, by leave, made a statement in relation to the papers.

8 THE CANBERRA HOSPITAL—OBSTETRICS AND GYNAECOLOGY UNIT—FINDINGS OF INQUIRY INTO BULLYING AND HARASSMENT COMPLAINTS

The order of the day having been read for the resumption of the debate on the motion of Mr Hanson, and on the amendment moved by Ms Bresnan (*see* [entry 5](#))—

Debate resumed.

Ms Bresnan, by leave, moved the following amendment to her proposed amendment: In paragraph (2)(b), omit “clause 24(3)(d)”, substitute “clause 23(3)(d)”.

Amendment to proposed amendment agreed to.

Question—That the amendment, as amended, be agreed to—put.

The Assembly voted—

AYES, 11

Mr Barr	Ms Hunter
Ms Bresnan	Ms Le Couteur
Ms Burch	Ms Porter
Mr Corbell	Mr Rattenbury
Ms Gallagher	Mr Stanhope
Mr Hargreaves	

NOES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

And so it was resolved in the affirmative.

Debate continued.

Member named and suspended: The Assistant Speaker named Mr Hanson for persistently and wilfully disregarding the authority of the Chair.

The Assistant Speaker, pursuant to standing order 203, proposed—That Mr Hanson be suspended from the service of the Assembly.

Question—put.

The Assembly voted—

AYES, 11		NOES, 6
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

And so it was resolved in the affirmative.

Mr Hanson was therefore suspended at 3.55 p.m. for 3 sitting hours in accordance with standing order 204, and he accordingly withdrew from the Chamber.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes that:
 - (a) in early February 2010, the Minister for Health denied that she had received any serious complaints from current and former staff of the Women and Children’s Obstetrics and Gynaecology Unit at The Canberra Hospital (TCH) about the workplace culture of the unit;
 - (b) the Minister for Health then described the complaints as ‘doctor politics’ and ‘mud-slinging’;
 - (c) the Minister claimed that there had been a ‘ten year war in obstetrics’;
 - (d) in late February 2010, current and former staff of the Unit provided further information to the Minister about their complaints;
 - (e) the Canberra Liberals called for a board of inquiry pursuant to the *Inquiries Act 1991*, that would have required victims of bullying to be forcefully subpoenaed to testify against their will, which is a grossly inappropriate manner of dealing with bullying and workplace conflict;
 - (f) the *Review of Service Delivery and Clinical Outcomes at Public Maternity Units in the ACT* stated: ‘The review panel identified an apparent systematic and long-standing reticence by management to address disruptive and inappropriate behaviour by certain medical staff’;
 - (g) respecting the confidentiality and wishes of bullying victims to have proceedings conducted in private is the most important factor to be considered when responding to allegations of bullying in the workplace; and

- (h) the *Public Interest Disclosure Act 1994*, as instigated by Mrs Kate Carnell MLA, then Leader of the Liberals, provides the appropriate process for public servants in the ACT Government to have their concerns about workplace conflict and allegations of bullying investigated;
- (2) calls on Members of the Assembly to:
 - (a) respect the *Public Interest Disclosure Act 1994* and those victims of workplace bullying that do not wish to have their workplace matters made public; and
 - (b) recognise that, if the investigation into a public interest disclosure is concluded, under clause 23(3)(d) of the *Public Interest Disclosure Act 1994*, the people who made the public interest disclosure can ask for a progress report which shall include the authority's findings and any action it has taken or proposes to take as a result of its findings; and
- (3) calls on the Government to provide to the Assembly details of any changes to bullying policies or procedures, as well as any changes in the manner in which bullying policies or procedures have been implemented, in ACT Health since February 2010.”—

be agreed to—put and passed.

9 **GAMING MACHINE (PROBLEM GAMBLING ASSISTANCE) AMENDMENT BILL 2010**

The Assembly, according to order, resumed debate at the detail stage.

Detail Stage

Clause 1 agreed to.

Clause 2—

On the motion of Mr Barr (Minister for Gaming and Racing), his amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

Paper: Mr Barr presented a supplementary explanatory statement to the Government amendments.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4—

On the motion of Mr Barr, his amendment No. 2 (*see* [Schedule 1](#)) was made, after debate.

Mr Smyth moved his amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Seselja
Mr Smyth

NOES, 11

Mr Barr	Ms Hunter
Ms Bresnan	Ms Le Couteur
Ms Burch	Ms Porter
Mr Corbell	Mr Rattenbury
Ms Gallagher	Mr Stanhope
Mr Hargreaves	

And so it was negatived.

Clause 4, as amended, agreed to.

Clause 5 negatived.

Remainder of Bill, by leave, taken as a whole—

Mr Smyth, by leave, moved his amendments Nos. 3 to 5 together (*see* [Schedule 2](#)).

Question—put.

The Assembly voted—

AYES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Seselja
Mr Smyth

NOES, 11

Mr Barr	Ms Hunter
Ms Bresnan	Ms Le Couteur
Ms Burch	Ms Porter
Mr Corbell	Mr Rattenbury
Ms Gallagher	Mr Stanhope
Mr Hargreaves	

And so it was negatived.

Remainder of Bill, as a whole, agreed to.

Question—That this Bill, as amended, be agreed to—put and passed.

10 BIMBERI YOUTH DETENTION CENTRE—PROPOSED INQUIRY

The order of the day having been read for the resumption of the debate on the motion of Mrs Dunne (*see* [entry 3](#))—

Debate resumed.

Ms Hunter, by leave, moved the following amendments together:

(1) Insert new paragraph (1)(d):

“(d) generally poor outcomes for children and young people in contact with the youth justice system;”.

(2) Omit paragraph (3), substitute:

“(3) calls on the Minister to direct the Children and Young People’s Commissioner to undertake an inquiry into the youth justice system in the ACT, including Bimberi Youth Justice Centre and Community Youth Justice, and report to the Assembly by 30 June 2011. The inquiry is to report on:

- (a) staff levels, training and retention;
- (b) security;

- (c) the use of segregation and restraints on detainees;
 - (d) programs for education and training, health and wellbeing and rehabilitation;
 - (e) early intervention services;
 - (f) the effectiveness of diversionary strategies and the ongoing monitoring of recidivism particularly for detainees held in remand;
 - (g) throughcare and aftercare services provided to detainees and Community Youth Justice clients; and
 - (h) any other matter; and
- (4) calls on the Minister to direct the Human Rights Commissioner to undertake a comprehensive human rights audit into conditions of detention in Bimberi Youth Justice Centre and report to the Assembly by 30 June 2011.”.

Mrs Dunne moved the following amendment to Ms Hunter’s proposed amendments: In proposed paragraph (3), omit “Minister to direct the Children and Young People’s Commissioner”, substitute “Executive to appoint a board of inquiry, in accordance with the *Inquiries Act 1991*,”.

Debate continued.

Question—That the amendment to the proposed amendments be agreed to—put.

The Assembly voted—

AYES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Seselja
Mr Smyth

NOES, 11

Mr Barr
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury
Mr Stanhope

And so it was negatived.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 11

Mr Barr
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury
Mr Stanhope

NOES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Seselja
Mr Smyth

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
 - (a) the incidents of violence and security breaches at Bimberi Youth Detention Centre;
 - (b) the staff shortages and high turnover of staff;
 - (c) high levels of staff dissatisfaction; and
 - (d) generally poor outcomes for children and young people in contact with the youth justice system;
- (2) expresses its concern for the safety and security of residents and staff at Bimberi Youth Detention Centre;
- (3) calls on the Minister to direct the Children and Young People’s Commissioner to undertake an inquiry into the youth justice system in the ACT, including Bimberi Youth Justice Centre and Community Youth Justice, and report to the Assembly by 30 June 2011. The inquiry is to report on:
 - (a) staff levels, training and retention;
 - (b) security;
 - (c) the use of segregation and restraints on detainees;
 - (d) programs for education and training, health and wellbeing and rehabilitation;
 - (e) early intervention services;
 - (f) the effectiveness of diversionary strategies and the ongoing monitoring of recidivism particularly for detainees held in remand;
 - (g) throughcare and aftercare services provided to detainees and Community Youth Justice clients; and
 - (h) any other matter; and
- (4) calls on the Minister to direct the Human Rights Commissioner to undertake a comprehensive human rights audit into conditions of detention in Bimberi Youth Justice Centre and report to the Assembly by 30 June 2011.”—

be agreed to—put.

The Assembly voted—

AYES, 11

Mr Barr	Ms Hunter
Ms Bresnan	Ms Le Couteur
Ms Burch	Ms Porter
Mr Corbell	Mr Rattenbury
Ms Gallagher	Mr Stanhope
Mr Hargreaves	

NOES, 5

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Seselja
Mr Smyth

And so it was resolved in the affirmative.

11 ADJOURNMENT NEGATIVED

It being approximately 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Corbell (Manager of Government Business) requiring the question to be put forthwith without debate—

Question—put and negatived.

12 SOUTH TRALEE—PROPOSED RESIDENTIAL DEVELOPMENT

Mr Rattenbury, by leave, having amended his notice, pursuant to notice, moved—That this Assembly:

(1) notes:

- (a) the recent decision by Queanbeyan City Council to submit the *Queanbeyan Local Environmental Plan (South Tralee) 2010* to the NSW Director-General of the Department of Planning, and request the Minister make the plan;
- (b) that South Tralee is in the Canberra Airport high noise corridor and under Canberra Airport flight paths;
- (c) that Canberra Airport currently receives complaints and is subject to calls for a curfew from residents under the flight paths twice the distance from the airport than South Tralee;
- (d) the potential for noise sharing which will adversely affect the residents of southern Canberra;
- (e) the incompatibility of residential development at South Tralee with existing and future industrial operations at Hume, and the lack of evidence regarding the adequacy of the proposed buffer adjacent to Hume;
- (f) that no consultation has taken place with the ACT with regard to a proposed sewage treatment plant related to South Tralee;
- (g) that the infrastructure, road links and public transport planning for the proposed development are still largely to be determined and finalised;
- (h) that South Tralee is opposed by the Federal Government, the Federal Coalition, Airservices Australia, airlines including Qantas, Virgin, Brindabella Airlines, Tiger Airways, Emirates and United Airlines, freight operators and community councils such as Tuggeranong and Weston Creek;
- (i) that the Federal Government is seeking to develop a national land use planning regime around airports, and the South Tralee development prejudices the development of this regime as it would apply to Canberra and Canberra Airport; and
- (j) the plans for Canberra Airport to become a 24 hour freight hub;

(2) strongly opposes the proposed residential development at South Tralee;

(3) supports the call from many residents for a night time curfew from 11 pm until 6 am for the airport; and

- (4) calls:
- (a) on the Chief Minister and Minister for Planning to write to the:
 - (i) NSW Premier and Opposition Leader, and the NSW Planning Minister and Shadow Planning Minister, strongly opposing the development and noting the motion of this Assembly to oppose the development; and
 - (ii) Commonwealth Minister for Transport confirming the ACT's strong opposition to the development; and
 - (b) for the establishment of a commission, with membership drawn from the ACT, NSW and the Commonwealth, to review planning, development, infrastructure links, transport options, settlement patterns, environmental impacts and sustainability in the ACT/Queanbeyan border region to ensure that cross-border planning is undertaken in an integrated and co-operative manner.

Mr Seselja (Leader of the Opposition) moved the following amendment: Omit all words after "That this Assembly", substitute:

- "(1) notes that:
- (a) the Canberra Airport is a key piece of infrastructure for the ACT that supports economic growth of Canberra and the region; and
 - (b) aircraft noise is an issue of concern for many Canberrans, including residents in Gungahlin and North Canberra who do not live in an aircraft noise abatement zone; and
- (2) calls on the Federal Government to:
- (a) adjust the noise abatement zone to include all homes in Canberra, including those in Gungahlin and the inner north; and
 - (b) ensure that Canberrans are protected by legislating noise abatement zones that would provide a new level of security and certainty to Canberrans across the Territory."

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

NOES, 11

Mr Barr
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher
Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury
Mr Stanhope

And so it was negatived.

Mr Stanhope (Chief Minister), by leave, moved the following amendment: Omit paragraphs (3) and (4), substitute:

- "(3) notes that the ACT Government has continually and regularly made representation to the NSW and Commonwealth Governments on the proposed development at Tralee; and

- (4) calls on the ACT Government to:
- (a) give consideration to the establishment of a commission, or other mechanism, which involves the ACT, Commonwealth and NSW Governments for reviewing cross-border planning and infrastructure; and
 - (b) report back to the Legislative Assembly on its consideration by June 2011.”.

Debate continued.

Closure: Mr Rattenbury moved—That the question be now put.

Question—That the question be now put—put.

The Assembly voted—

AYES, 11		NOES, 6
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

And so it was resolved in the affirmative.

And the question—That the amendment be agreed to—being accordingly put—

The Assembly voted—

AYES, 11		NOES, 6
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		Mr Smyth

And so it was resolved in the affirmative.

Debate continued.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) the recent decision by Queanbeyan City Council to submit the *Queanbeyan Local Environmental Plan (South Tralee) 2010* to the NSW Director-General of the Department of Planning, and request the Minister make the plan;
 - (b) that South Tralee is in the Canberra Airport high noise corridor and under Canberra Airport flight paths;
 - (c) that Canberra Airport currently receives complaints and is subject to calls for a curfew from residents under the flight paths twice the distance from the airport than South Tralee;

- (d) the potential for noise sharing which will adversely affect the residents of southern Canberra;
 - (e) the incompatibility of residential development at South Tralee with existing and future industrial operations at Hume, and the lack of evidence regarding the adequacy of the proposed buffer adjacent to Hume;
 - (f) that no consultation has taken place with the ACT with regard to a proposed sewage treatment plant related to South Tralee;
 - (g) that the infrastructure, road links and public transport planning for the proposed development are still largely to be determined and finalised;
 - (h) that South Tralee is opposed by the Federal Government, the Federal Coalition, Airservices Australia, airlines including Qantas, Virgin, Brindabella Airlines, Tiger Airways, Emirates and United Airlines, freight operators and community councils such as Tuggeranong and Weston Creek;
 - (i) that the Federal Government is seeking to develop a national land use planning regime around airports, and the South Tralee development prejudices the development of this regime as it would apply to Canberra and Canberra Airport; and
 - (j) the plans for Canberra Airport to become a 24 hour freight hub;
- (2) strongly opposes the proposed residential development at South Tralee;
- (3) notes that the ACT Government has continually and regularly made representation to the NSW and Commonwealth Governments on the proposed development at Tralee; and
- (4) calls on the ACT Government to:
- (a) give consideration to the establishment of a commission, or other mechanism, which involves the ACT, Commonwealth and NSW Governments for reviewing cross-border planning and infrastructure; and
 - (b) report back to the Legislative Assembly on its consideration by June 2011.”—

be agreed to—put.

The Assembly voted—

AYES, 11

Mr Barr	Ms Hunter
Ms Bresnan	Ms Le Couteur
Ms Burch	Ms Porter
Mr Corbell	Mr Rattenbury
Ms Gallagher	Mr Stanhope
Mr Hargreaves	

NOES, 6

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja
Mr Smyth

And so it was resolved in the affirmative.

13 ADJOURNMENT

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 9.30 p.m., adjourned until tomorrow at 10 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

M M KIERMAIER
Acting Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

GAMING MACHINE (PROBLEM GAMBLING ASSISTANCE) AMENDMENT BILL 2010

Amendments circulated by the Minister for Gaming and Racing

1
Clause 2
Page 2, line 4—

omit clause 2, substitute

2 Commencement

This Act commences on 1 July 2011.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2
Clause 4
Proposed new section 163A (2)
Page 2, line 18—

omit proposed new section 163A (2), substitute

(2) The ***required percentage*** is—

(a) 0.6%; or

(b) if the Minister determines a different percentage under subsection (2A)—that percentage.

(2A) The Minister may determine a percentage for subsection (2) (b).

(2B) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

3
Clause 5
Page 4, line 11—

[oppose the clause]

Schedule 2**GAMING MACHINE (PROBLEM GAMBLING ASSISTANCE) AMENDMENT BILL 2010**

Amendments circulated by Mr Smyth

1

Clause 4

Proposed new section 163B (2A)

Page 3, line 18—

insert

- (2A) Before making a payment out of the fund, the commission must consult with the gaming advisory board established under the *Gambling and Racing Control Act 1999*.
-

2

Clause 5

Proposed new section 163A (2) (a)

Page 4, line 14—

omit

0.75%

substitute

0.50%

3

Clause 5

Proposed new section 163A (2A)

Page 4, line 17—

omit

0.75%

substitute

0.50%

4

Proposed new clause 5A

Page 4, line 21—

insert

5A New section 171A (1A)

insert

- (1A) Also, a club's required community contributions for a financial year must be worked out as if the amount paid by the club to the problem gambling assistance fund for each month of that year had been contributed to an entity under section 164 (1).

5**Proposed new clause 7****Page 4, line 25—**

insert

7**Gambling and Racing Control Act 1999, new part 6A**

insert

Part 6A**Gaming Advisory Board****50****Establishment of gaming advisory board**

The gaming advisory board is established.

51**Membership of gaming advisory board**

- (1) The gaming advisory board is made up of—
- (a) the chief executive officer; and
 - (b) the following members appointed by the Minister:
 - (i) 1 member appointed to represent Clubs ACT;
 - (ii) 1 member appointed to represent ACTTAB;
 - (iii) 1 member appointed to represent Casino Canberra;
 - (iv) 1 member appointed to represent the ACT racing industry;
 - (v) 1 member appointed to represent on-line wagering interests;
 - (vi) 1 member appointed to represent the ACT Council of Social Service.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) The chair of the board is the chief executive officer.

52**Gaming advisory board function**

The gaming advisory board has the function of advising the Minister and the commission about—

- (a) matters relating to problem gambling; and

- (b) any other matters relating to the gaming and racing industry.

53 Gaming advisory board procedure

- (1) Meetings of the gaming advisory board are to be held when and where it decides.
- (2) However—
 - (a) the gaming advisory board must meet at least twice each year; and
 - (b) the chief executive officer may, by reasonable written notice given to the other gaming advisory board members, call a meeting.
- (3) The gaming advisory board may conduct its proceedings (including its meetings) as it considers appropriate.

53A Reimbursement of expenses for gaming advisory board members

- (1) A member of the gaming advisory board appointed under section 51 (1) (b) is not entitled to be paid for the exercise of the member's functions.
 - (2) However, the member may apply to the chief executive officer for reimbursement of expenses reasonably incurred by the member for the purpose of attending a meeting of the gaming advisory board.
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